



Electronic Lodged Order Upload (LOU)

Quick Reference Guide

(March 2008)

LODGE ORDER UPLOAD (LOU)

Quick Reference Guide

I. UPLOADING A PROPOSED ORDER

A proposed form of order electronically uploaded to the Court via the LOU program must contain the following three elements:

- A. The proposed form of order.
- B. Proof of service that the proposed form of order was served on all required parties.
- C. Service list to be used on the final entered order once signed by the judge.

All three elements are to be uploaded as a single document in Microsoft Word format (version 2003 or older).

II. IDENTIFYING SERVICE LISTS

All electronic orders entered through the Court's Calendaring Information and Orders program ("CIAO!") trigger a Bankruptcy Noticing Center (BNC) Certificate of Service indicating that the notice requirement to parties listed on the CM Mailing List for applicable main case or adversary proceeding has been fulfilled. If a party is a registered ECF user they will also receive a Notice of Electronic Filing ("NEF") of the entered order.

As explained below, a party will receive a BNC notice, an NEF, or both. If a party requires notice and will not receive a BNC notice or an NEF, the serving party must provide the Court with a stamped, pre-addressed envelope for manual service for each additional party.

The **CM Mailing Information ("Mailing List")**, accessible from one of the selection options in CM/ECF, can be queried by both external ECF users and internal court staff to determine how parties will receive notice of the entered order.

To query the CM Mailing Information, click on **Utilities > Mailings (under Misc) > Mailing Info for a Case**, input the relevant Bankruptcy or Adversary Proceeding number, then **Submit**. The mailing information for the case/adversary proceeding will appear with all parties contained in CM listed under either the Electronic Mail Notice List ("EMNL") or the Manual Notice List ("MNL"). The following information applies to the CM Mailing Information list:

A. Bankruptcy Main Case

- (1) Parties listed under the EMNL will receive a NEF.
- (2) Parties listed under the MNL will receive a BNC notice. Note, a party listed under EMNL will also receive a BNC notice.
- (3) The debtor(s) and debtor(s) attorney, although not listed in the CM Mailing Information, will receive a BNC notice.
- (4) Attorneys representing a party in a related adversary proceeding will appear on the CM Mailing Information for the main case but will not receive BNC notices for actions in the main case. They will, however, receive a BNC notice for actions in the adversary proceeding.

B. Adversary Proceedings

- (1) All parties listed under the EMNL will receive a NEF.
- (2) All parties listed under the MNL will receive a BNC notice. Note, a party listed under EMNL will also receive a BNC notice.

C. Miscellaneous Information

- (1) The prevailing party, usually via their attorney, must submit within 48 hours of lodge order upload stamped, pre-addressed envelopes to the Court only for any party not listed under **either** the EMNL or MNL.
- (2) Although stamped, pre-addressed envelopes are generally not required, the prevailing party on Motions for Relief from Stay orders must confirm whether supplemental envelopes are necessary to ensure proper service. ***This requirement overrides any previous instruction from the Court.***
- (3) A BNC notice will NOT be sent to any incomplete or duplicate address. In this case, the BNC Certificate of Service acknowledges the party, but lists the party under “Bypassed Recipients,” and states the reason for bypassing the party as either undeliverable or duplicate.

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- (4) To quickly identify whether a name appears in the CM Mailing Information list, use the control function, Ctrl+F. Type in the last name of the party and click “*Find Next.*” The system will automatically highlight the name if it appears on either the EMNL or MNL. An envelope is not required for this party as noted in II. C(1).
 - (5) An NEF will be sent to all registered ECF users who appear when querying the EMNL of the CM Mailing Information for a main case for actions in both the main case and an adversary proceeding.

III. PROCESSING OF ENTERED ORDER

Once modified (if applicable) and signed by the judge, the order will be entered on the court’s docket by the Clerk’s Office. Approximately two court days later, the BNC Certificate of Service will appear on the court’s docket indicating who was noticed.

NOTICING TERMINOLOGY GLOSSARY

- (1) **BNC Notice:** A notice from the Court (either in paper or e-mail) transmitted by the Bankruptcy Noticing Center, a contractor in Utah, from a computer file prepared by CM/ECF (the Court's case management system).
- (2) **Certificate of Service:** Evidence that ***the Court, or its agent***, has performed their noticing/service duty.
- (3) **CIAO!:** A windows-based application developed by the U. S. Bankruptcy Court for the Central District of California for scheduling and calendaring hearings, and for processing electronic orders.
- (4) **CM Mailing Information (Mailing List) on a Main Case:** A list of names known to CM/ECF used for noticing. May ***include parties*** who are not entitled ("over service") and may ***exclude parties*** who are entitled to service ("under service").

The list contains two sections: 1. the *Electronic Mail Notice List (EMNL)* which identifies parties receiving both an NEF and a BNC notice; and, 2. the *Manual Notice List (MNL)* which identifies parties to be served only via BNC notice.

If an Adversary Proceeding is filed, the attorney for the plaintiff and/or defendant will appear on the list of the related main case. They will NOT, however, receive a BNC notice for main cases actions.

- (5) **CM Mailing Information (Mailing List) on an Adversary Proceeding:** A list of names known to CM/ECF used for noticing which are exclusive to the adversary proceeding. May ***include parties*** who are not entitled ("over service") and may ***exclude parties*** who are entitled to service ("under service"). Noticing works the same as the Main Case Mailing List, except applies to Adversary Proceedings.
- (6) **CM Party List:** All persons or entities known to CM that have brought corresponded to an action in the case, including those filing a request for special notice.
- (7) **Complex Order:** An order that can not be fully processed via CIAO! requiring the manual processing of additional transactions in CM/ECF. Orders fully processed via CIAO! are called Non-Complex Orders.
- (8) **Creditor List:** Every creditor in the case. Can also include parties manually added by virtue of filing a Request for Special Notice.

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- (9) **EBN**: Electronic Bankruptcy Notice, an electronic form of notice generated by BNC, transparent to the court and CM/ECF.
- (10) **Electronic Service**: Electronic service by way of an Notice of Electronic Filing (“NEF”), or an electronic notice from the Bankruptcy Noticing Center (BNC/EBN).
- (11) **Entered Order**: An order that has either been signed or approved for entry by a judge and subsequently entered on the court docket.
- (12) **Lodged Order**: A proposed form of order that has been submitted to the Court for judicial review and is not yet signed or entered on the court docket.
- (13) **Lodge Order Upload (LOU)**: An Internet based program that allows CM/ECF users to lodge proposed form of orders with the Court.
- (14) **LOU Confirmation Page**: A screen presentation in LOU indicating successful upload of a proposed form of order. It should be printed and serves as a receipt.
- (15) **Mailing Matrix**: A superset mailing list that includes all parties on the Creditors List and CM Party List.
- (16) **NEF**: A notice of electronic filing transmitted directly by CM/ECF via e-mail to all registered CM/ECF users who are parties to the case indicating that a transaction occurred on CM/ECF.
- (17) **Notice of Entry**: Clerk’s Office certification on the docket that an order was entered and signed by the Court.
- (18) **Proof of Service**: The certification by a party, usually ***an attorney***, indicating completion of their noticing/service duty on all pertinent parties.
- (19) **Service List**: The list of parties that are to be served that may be included with the Proof of Service or Certificate of Service.